

JS 44C/SDNY  
REV.  
10/01/2020

# CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
PLANCK LLC

DEFENDANTS  
PARTICLE MEDIA, INC.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Judd Burstein, P.C.  
260 Madison Avenue, 15th Floor, New York, NY 10016  
(212) 974-2400

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Copyright Infringement in Violation of 17 U.S.C. §§ 106(1) and 501.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[ ] 376 QUI TAM
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	21 USC 881	[ ] 423 WITHDRAWAL	[ ] 400 STATE
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	REAPPORTIONMENT
[ ] 150 INSTRUMENT	SLANDER	[ ] 368 ASBESTOS PERSONAL			[ ] 410 ANTITRUST
[ ] 151 RECOVERY OF	[ ] 330 FEDERAL	INJURY PRODUCT			[ ] 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	LIABILITY			[ ] 450 COMMERCE
ENFORCEMENT	LIABILITY				[ ] 460 DEPORTATION
OF JUDGMENT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	<b>PROPERTY RIGHTS</b>		[ ] 470 RACKETEER INFLU-
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT	[ ] 370 OTHER FRAUD	[ ] 820 COPYRIGHTS	[ ] 880 DEFEND TRADE SECRETS ACT	ENCED & CORRUPT
[ ] 152 RECOVERY OF	LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 830 PATENT		ORGANIZATION ACT
DEFAULTED	[ ] 350 MOTOR VEHICLE		[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		(RICO)
STUDENT LOANS	[ ] 355 MOTOR VEHICLE		[ ] 840 TRADEMARK		[ ] 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY				[ ] 485 TELEPHONE CONSUMER
[ ] 153 RECOVERY OF	[ ] 360 OTHER PERSONAL	[ ] 380 OTHER PERSONAL	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	PROTECTION ACT
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[ ] 710 FAIR LABOR	[ ] 861 HIA (1395ff)	
OF VETERAN'S	[ ] 362 PERSONAL INJURY -	[ ] 385 PROPERTY DAMAGE	STANDARDS ACT	[ ] 862 BLACK LUNG (923)	[ ] 490 CABLE/SATELLITE TV
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	[ ] 720 LABOR/MGMT	[ ] 863 DIWC/DIWW (405(g))	[ ] 850 SECURITIES/
[ ] 160 STOCKHOLDERS			RELATIONS	[ ] 864 SSID TITLE XVI	COMMODITIES/
SUITS			[ ] 740 RAILWAY LABOR ACT	[ ] 865 RSI (405(g))	EXCHANGE
[ ] 190 OTHER		<b>PRISONER PETITIONS</b>	[ ] 751 FAMILY MEDICAL		[ ] 890 OTHER STATUTORY
CONTRACT		[ ] 463 ALIEN DETAINEE	LEAVE ACT (FMLA)	<b>FEDERAL TAX SUITS</b>	ACTIONS
[ ] 195 CONTRACT	<b>ACTIONS UNDER STATUTES</b>	[ ] 510 MOTIONS TO		[ ] 870 TAXES (U.S. Plaintiff or	[ ] 891 AGRICULTURAL ACTS
PRODUCT	<b>CIVIL RIGHTS</b>	VACATE SENTENCE		Defendant)	[ ] 893 ENVIRONMENTAL
LIABILITY		28 USC 2255		[ ] 871 IRS-THIRD PARTY	MATTERS
[ ] 196 FRANCHISE	[ ] 440 OTHER CIVIL RIGHTS	[ ] 530 HABEAS CORPUS		26 USC 7609	[ ] 895 FREEDOM OF
	(Non-Prisoner)	[ ] 535 DEATH PENALTY			INFORMATION ACT
		[ ] 540 MANDAMUS & OTHER			[ ] 896 ARBITRATION
<b>REAL PROPERTY</b>	[ ] 441 VOTING		<b>IMMIGRATION</b>		[ ] 899 ADMINISTRATIVE
[ ] 210 LAND	[ ] 442 EMPLOYMENT	<b>PRISONER CIVIL RIGHTS</b>	[ ] 462 NATURALIZATION		PROCEDURE ACT/REVIEW OR
CONDEMNATION	[ ] 443 HOUSING/	[ ] 550 CIVIL RIGHTS	APPLICATION		APPEAL OF AGENCY DECISION
[ ] 220 FORECLOSURE	ACCOMMODATIONS	[ ] 555 PRISON CONDITION	[ ] 465 OTHER IMMIGRATION		
[ ] 230 RENT LEASE &	[ ] 445 AMERICANS WITH	[ ] 560 CIVIL DETAINEE	ACTIONS		[ ] 950 CONSTITUTIONALITY OF
EJECTMENT	DISABILITIES -	CONDITIONS OF CONFINEMENT			STATE STATUTES
[ ] 240 TORTS TO LAND	EMPLOYMENT				
[ ] 245 TORT PRODUCT	[ ] 446 AMERICANS WITH				
LIABILITY	DISABILITIES -OTHER				
[ ] 290 ALL OTHER	[ ] 448 EDUCATION				
REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).



(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
 ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented  
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Planck LLC

675 Avenue of the Americas, 3rd Floor

New York, New York 10010

New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Particle Media, Inc.

800 West El Camino Real, Suite 100

Mountain View, California 94040

Santa Clara County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

## COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 12/29/2020

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[x] YES (DATE ADMITTED Mo. 02 Yr. 1982)

Attorney Bar Code # JB9585

RECEIPT # ANYSDC-23235751

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)